

CLASSIFICATION OFFICE DECISION

Title of publication: AK-15-8451_002.jpg

Other known title(s): Not stated

OFLC ref: 1600121.001

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Unrestricted.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 11 May 2016

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 11 May 2016

Summary of reasons for decision:

The publication is a photographic slide that has been digitised and submitted for classification as a computer image file. The content of the slide is a desaturated, softly lit colour photo of four naked young women standing in a line.

Images of young persons who are nude or partially nude, and can be reasonably regarded as sexual in nature fall within the ambit of matters of sex under s3(1) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). One of the young women appears to be aged in her mid-teenage years. The others appear slightly older, and cannot fairly be said to be young persons in terms of the FVPC Act. The image reaches the threshold of being reasonably capable of being regarded as sexual in nature, and therefore deals with matters of sex. However, the level of exploitation of the one young person's nudity is low, and a restricted classification or ban would be unreasonable. The publication is therefore classified as unrestricted. This classification does not limit the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990.